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Paper No. 7

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OCT 15 2001

OFFICE OF PETITIONS

In re Application of
Dan Anthony Balogh et al
Application No. 09/740,124
Filed: December 19, 2000
Attorney Docket No. 3-3-16-12-12

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: DECISION GRANTING
: PETITION
:
:

This is a decision on the paper styled "Request For Corrected Filing Receipt" filed May 7, 2001, requesting that the above-identified application be accorded a filing date of December 19, 2000, rather than the presently accorded filing date of December 18, 2000. The petition is properly treated as a petition under 37 CFR 1.10(c).

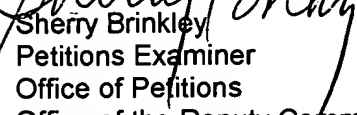
Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on December 19, 2000. In support, applicants provided a copy of the Express Mail label, receipt no. EF254025686US, showing a Date-In of December 19, 2000. The same Express Mail receipt number was referred to in the copy of the original application transmittal letter submitted with the present petition. Applicants request that the application be accorded a filing date of December 19, 2000.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on December 19, 2000.

The petition is granted. A copy of the corrected Filing Receipt is enclosed.

The application is being returned to Technology Center AU 2661 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt